

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|--------------------------|---|-------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Criminal No. 04-41 Erie |
| |) | |
| LAURA PEARL WOODSBY |) | |

POSITION WITH RESPECT TO SENTENCING FACTORS

AND NOW, comes the defendant, Laura Pearl Woodsbey, by her attorney, Thomas W. Patton, Assistant Federal Public Defender, and respectfully files this Position With Respect to Sentencing Factors. In support thereof Counsel states:

Ms. Woodsbey's guideline imprisonment range is 6-12 months. Because this range is in Zone B of the Sentencing Table, the guidelines authorize a sentence of probation that includes a condition that substitutes community confinement for imprisonment. Ms. Woodsbey respectfully submits that the appropriate sentence in this case is a sentence of probation with a condition that she serve the initial portion of her probation in community confinement at Gaudenzia Community House's halfway house program.

Ms. Woodsbey's problems in life stem from her mental illness and drug and alcohol addiction. The presentence report details Ms. Woodsbey's struggles with her addiction. While Ms. Woodsbey has been in numerous drug treatment programs, to date, she had not been able to control her addiction long-term. While on bond in this case Ms. Woodsbey has struggled with her addiction, unsuccessfully. This Court amended the conditions of Ms. Woodsbey's bond on August 9, 2005, requiring her to enter drug treatment pending sentencing. Since that time Ms. Woodsbey has successfully completed the treatment program at Twin Lakes Rehabilitation Center in Somerset,

Pennsylvania and is now residing at the Renewal Center in Pittsburgh, Pennsylvania pending sentencing.

Counsel has arranged to have Ms. Woodsbey accepted into the Gaudenzia Community House halfway program. See Defendant's Exhibit A. A description of Community House's program is contained in Defendant's Exhibit B. A placement in Community House will allow Ms. Woodsbey to continue her drug treatment in a structured environment that will also allow her to take the steps necessary to try to regain custody of her youngest child, Erika Baker, who is currently in the custody of Erie County Children and Youth Services. (PSR ¶ 60) While Community House's program usually lasts 90 days, Nicole Bolash, Program Supervisor at Community House, has informed counsel that Ms. Woodsbey can stay as long as the Court directs.

Ms. Woodsbey has been at Community House before, as recently as March of this year, with limited success. When asked about her willingness to allow Ms. Woodsbey back into the program, Ms. Bolash responded by stating that her job demands that she believe people can change. She has to believe that this might be the time that Ms. Woodsbey finally gets through treatment and it sticks. Without that belief, Ms. Bolash couldn't continue the noble work of trying to help addicts recover from their addiction.

Counsel can't improve upon Ms. Bolash's observation. This could be the time treatment works for Ms. Woodsbey. And, if it is, Ms. Woodsbey and society both win. Of course, Ms. Woodsbey might not be successful in her treatment. If she's not, this Court will revoke her probation and send her to jail. But why not take the chance that this time might be the time treatment works? The Court really has nothing to lose. If treatment works, everyone can be happy with that outcome. If treatment doesn't work, Ms. Woodsbey will go to jail. It's worth a try.

Community House doesn't have a bed available for Ms. Woodsbey until October 23, 2005. Defendant's Exhibit A. Accordingly, this Court should require that Ms. Woodsbey stay at the Renewal Center until October 23, 2005, or, if a bed becomes available sooner, until probation allows her to leave Renewal for Community House.

WHEREFORE, defendant, Laura Pearl Woodsbey, respectfully requests that this Honorable Court sentence her to a term of probation that includes community confinement at Gaudenzia Community House halfway house program.

Respectfully submitted,

/s/ Thomas W. Patton

Thomas W. Patton

Assistant Federal Public Defender

PA I.D. No. 88653